

## **Remarks**

### **1. Summary of Office Action**

In the Action mailed December 11, 2008, the Examiner rejected claims 1-9, 13, and 26-34 under 35 U.S.C. § 103(a) as being obvious over a combination of U.S. Patent No. 6,751,475 (hereinafter “Holmes”) and WO98/54845 (Erfinder). Applicants assume that the Examiner inadvertently indicted that claims 35 and 39 were rejected on grounds of obviousness, since those claims were cancelled in Applicants’ last response.

### **2. Amendments to the Claims**

Applicants have amended claims 1, 2, 26, and 27 to recite the invention more particularly.

Presently pending in this application are claims 1-9, 13, 14, and 26-34, of which claims 1 and 26 are independent and the remainder are dependent.

### **3. Response to §103 Rejections**

As noted above, the Examiner rejected claims 1-9, 13, and 26-34 as being obvious over a combination of Holmes and Erfinder. Applicants respectfully traverse the rejections of those claims, because the combination of Holmes and Erfinder fails to disclose or suggest all of the claimed limitations of any of those claims, as would be required to establish an obviousness rejection under M.P.E.P. § 2143.

As now amended, independent claim 1 for instance, recites a method comprising: (i) providing a docking apparatus coupled to interface with a vehicle, (ii) communicatively coupling a remote communications device to the docking apparatus, *wherein the remote communications device does not include a telematics functionality module, and (iii) the docking apparatus communicating with the remote communications*

*device to include the telematics functionality module in a memory of the remote communications device, including: (i) the docking apparatus downloading the telematics functionality module into the memory of the remote communications device, or (ii) the docking apparatus supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location, wherein the telematics functionality module comprises one or more telematics related applications including at least one of a noise cancellation application, a routing guidance application, and an emergency notification application.* (Emphasis added). (Independent claim 26 now recites similar limitations. Further, the dependent claims each depend from claim 1 or 26, and therefore necessarily include the limitations of a respective independent claim).

Holmes teaches a mounting unit that merely provides an interface, such as data pins, for connecting to and communicating data between a vehicle and a wireless device (see Figure 3, elements 23 and 58(Ic)). At best, in Holmes, the mounting unit communicates a vehicle identification number (VIN) (e.g., a numeric or alphanumeric number) from a vehicle control unit to the wireless device.

Holmes, however, does not disclose or suggest any arrangement that operates according to the claimed invention involving, *inter alia*, “communicatively coupling a remote communications device to the docking apparatus, wherein the remote communications device does not include a telematics functionality module”, and further “*the docking apparatus communicating with the remote communications device to include the telematics functionality module in a memory of the remote communications device, including: (i) the docking apparatus downloading the telematics functionality*

*module into the memory of the remote communications device, or (ii) the docking apparatus supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location, wherein the telematics functionality module comprises one or more telematics related applications including at least one of a noise cancellation application, a routing guidance application, and an emergency notification application.*”

Further, Erfinder fails to make for the deficiencies in Holmes with respect to the claimed invention. Erfinder teaches a mounting device having a memory. The memory stores an identification code and the docketing station transmits the identification code to a mobile car phone for activating the phone (*see, e.g.*, Abstract).

But Erfinder, like Holmes, does not appear to disclose or suggest any vehicle system in which a docking apparatus, communicatively coupled to a remote communications device that does not include a telematics functionality module, communicates with the remote communications device to include the telematics functionality module in a memory of the remote communications device, including: (i) the docking apparatus downloading the *telematics functionality module* into the memory of the remote communications device, or (ii) the docking apparatus supplying the remote communications device with a download location to download the *telematics functionality module* into the memory from the download location, *where the telematics functionality module comprises one or more telematics related applications, including at least one of a noise cancellation application, a routing guidance application, and an emergency notification application.*”

Because the claimed combination does not teach or suggest the invention as recited in any of claims 1-9, 13, and 26-34, the cited combination fails to render these claims obvious under 35 U.S.C. § 103.

**5. Conclusion**

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration and allowance of those claims.

Respectfully submitted,

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By:           /Joanna Skyles/          

Joanna Skyles  
Reg. No. 54,454

Temco Automotive of North America, Inc.  
Patents and Licenses  
21440 West Lake Cook Road  
Deer Park, IL  
Tel.: (847) 862-0274  
Fax: (847) 862-8308